

SUPPORT FOR THE AMENDMENTS

Claims 38, 39, 43, 51, and 72 have been amended.

The amendment to Claims 38, 39, 43, and 51 is supported by the corresponding claims as previously presented. The amendment to Claim 72 is supported by the specification at pages 197-199.

No new matter has been added by the present amendments.

REMARKS

Claims 38-74 are pending in the present application.

At the outset, Applicants would like to thank Examiner Loewe for the recognition and acknowledgment that the species of synthetic example 56 is allowable (see numbered paragraph 8 on page 6 of the Office Action mailed July 10, 2007). Reconsideration of the outstanding rejections is requested in view of the amendment and remarks set forth herein.

The rejection of Claims 38-40 and 51 under 35 U.S.C. §102(b) over Rao et al as evidenced by Liu et al is obviated by amendment.

The disclosure of Rao et al, at best, includes compounds in which substituent D is a phenyl or para-substituted nitro phenyl. Therefore, Rao et al only pertains to compounds in which substituents D, R³, R⁹, and R¹⁴ are a C₂₋₁₄ aryl group. Applicants have amended Claims 38, 39, 43, and 51 to remove the term “C₂₋₁₄ aryl group” from the definition of substituents D, R³, R⁹, and R¹⁴. Accordingly, Applicants submit that Rao et al, even as evidenced by Liu et al, fail to disclose or suggest a species within the scope of the presently claimed invention. Therefore, the claimed invention is not anticipated by Rao et al as evidenced by Liu et al.

Withdrawal of this ground of rejection is requested.

The rejection of Claim 72 under 35 U.S.C. §112, first paragraph (enablement), is obviated by amendment.

In the outstanding Office Action the Examiner alleges that Claim 72 lacks enablement for: (a) making preventative/improving agents, or (b) making therapeutic agents for other

than immune thrombocytopenic purpura and chemotherapy induced thrombocytopenia.

Applicants make no statement with respect to the propriety of these criticisms and in no way acquiesce to the same. Nonetheless, to expedite examination of this application, Applicants have amended Claim 72 to recite:

72. A pharmaceutical preparation, comprising the thrombopoietin receptor activator according to Claim 55 and at least one pharmaceutically acceptable additive selected from the group consisting of an excipient, a lubricant, a binder, a disintegrant, a humectant, a plasticizer, and a coating agent.

Applicants submit that the specification at pages 197-198 (and the Examples) clearly disclose how to make such a composition and that the specification at pages 198-199 (and the Examples) disclose how to use such a composition. MPEP § 2164.01 states:

The test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation.

Clearly, the specification meets the threshold for enablement of Claim 72 as amended above.

Applicants request withdrawal of this ground of rejection.

Applicants respectfully submit that the above-identified application is now in condition for allowance. Early notification to this effect is earnestly solicited.


Respectfully submitted,

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